



Entered on Docket
May 18, 2010

Hon. Linda B. Riegle
United States Bankruptcy Judge

WILDE & ASSOCIATES
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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In Re:

Randy M. Whiton and Veronica A. Whiton

BK-S-08-22176-lbr

MS Motion No.

Date:

Time:

Chapter 13

Debtors.

ORDER RE ADEQUATE PROTECTION

Secured Creditor's Motion for Relief from the Automatic Stay having come on for hearing in the above-entitled Court, all appearances as noted on court record, and based upon all the papers and pleadings on file herein and good cause appearing therefore,

1 IT IS HEREBY ORDERED, ADJUDGED and DECREED that the debtors will cure the
 2 post-petition arrearages currently due as follows:

3 5 Monthly Payments at \$1,551.13	\$7,755.65
4 (September 1, 2009 - March 1, 2010)	
5 Motion for Relief Filing Fee	\$150.00
6 Attorneys Fees	\$750.00
Suspense Amount	(\$648.87)
Total	\$8,006.78

7
 8 The total arrearage shall be paid in six monthly installments. Payments one
 9 through five (1-5) in the amount of \$1,334.47 shall be in addition to the regular monthly payment
 10 and shall be due on or before the 20th day of the month commencing with the April 20, 2010
 11 payment and continuing throughout and concluding on or before August 20, 2010. The sixth
 12 final payment in the amount of \$1,334.43 shall be paid on or before September 20, 2010.

13 IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Secured Creditor
 14 shall give Debtors at least five business days' notice of the time, place and date of sale.

15 IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Debtors shall resume
 16 and maintain the regular monthly payments in a timely fashion, outside of any Bankruptcy Plan,
 17 beginning with the April 1, 2010, payment, on Secured Creditor's Trust obligation, encumbering
 18 the subject Property, generally described as 6425 W. ElDorado Ln., Las Vegas, NV 89139, and
 19 legally described as follows:

20 Lot One hundred forty-Zeven (147) in Block B of Eldorado Pines-Unit I as shown by map
 21 thereof on file in Book 102 of Plats, Page 78 in the Office of the County Recorder, Clark
 22 County, Nevada and amended by Certificate of Amendment recorded January 7, 2002 in
 23 Book 20020107 as Document No. 905.

24 IT IS FURTHER ORDERED, ADJUDGED and DECREED that if the Debtors fail to make
 25 any payments as stated in this Order, or fail to maintain the regular monthly payments on Secured
 26 Creditor's Trust Deed obligation, allowing the normal grace period, then Secured Creditor may file
 and serve upon Debtors and Debtors' counsel, a fifteen (15) Day Notice Declaration Re Breach of
 Condition. For each such Declaration Re Breach of Condition filed, there shall be assessed an
 attorney fees of \$100.00, to be paid by the Debtors upon any reinstatement. If upon the sixteenth
 (16th) day Debtors have failed to cure the delinquency, then Secured Creditor may submit to this
 Court an Order vacating the automatic stay as to Secured Creditor, and Secured Creditor may

1 thereafter proceed with foreclosure proceedings upon the subject Property, pursuant to applicable
2 State Law, and take any action necessary to obtain complete possession thereof.

3
4 Submitted by:

5 WILDE & ASSOCIATES

6
7 By G. Wilde #10235
8 GREGORY L. WILDE, ESQ.
9 Attorneys for Secured Creditor
10 212 South Jones Boulevard
Las Vegas, Nevada 89107

11 APPROVED AS TO FORM & CONTENT:

12 Kathleen A Leavitt

13 By Kathleen A Leavitt
14 Kathleen A Leavitt
15 Chapter 13 Trustee
16 201 Las Vegas Blvd., So. #200
Las Vegas, NV 89101

Sam Benevento

By Sam Benevento
1 Sam Benevento
2 Attorney for Debtors
3 1945 E. Warm Springs Road
4 Las Vegas, NV 89119

5 Nevada Bar No. 3676

In accordance with Local Rule 9021, the undersigned counsel certifies as follows (check one):

The court waived the requirements of LR 9021.

No parties appeared or filed written objections, and there is no trustee appointed in the case.

No parties appeared or filed written objections, and the trustee is the movant.

This is a chapter 7 or 13 case, and either with the motion, or at the hearing, I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any trustee appointed in this case, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below:

Debtor's counsel:

approved the form of this order disapproved the form of this order

waived the right to review the order and/or failed to respond to the document

appeared at the hearing, waived the right to review the order

matter unopposed, did not appear at the hearing, waived the right to review the order

Trustee:

approved the form of this order disapproved the form of this order

waived the right to review the order and/or failed to respond to the document

This is a chapter 9, 11, or 15 case, and I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any trustee appointed in this case any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below.

Debtor's counsel:

approved the form of this order disapproved the form of this order

waived the right to review the order and/or failed to respond to the document

appeared at the hearing, waived the right to review the order

matter unopposed, did not appear at the hearing, waived the right to review the order

Trustee:

approved the form of this order disapproved the form of this order

waived the right to review the order and/or failed to respond to the document

I certify that I have served a copy of this order with the motion, and no parties appeared or filed written objection.

Submitted by:

/s/ Gregory L. Wilde, Esq.

Gregory L. Wilde, Esq.

Attorney for Secured Creditor